



6-12-7

RCE  
ZJW

Atty. Dkt. No. EGAL-0110 (082099-0102)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Thomas D. Egan

Title: GASTRIC BYPASS  
PROSTHESIS

Appl. No.: 10/511,385

International Filing Date: 5/9/2003

371(c) Date:

Examiner: Suzette Jaime J. Gherbi

Art Unit: 3738

Confirmation Number: 2108

<b>CERTIFICATE OF EXPRESS MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 961802291 US	June 11, 2007
(Express Mail Label Number)	(Date of Deposit)
Elsie Saraglow	
(Printed Name)	
Elsie Saraglow	
(Signature)	

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

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a. Previously submitted:

- ☐ Please enter and consider the amendment and/or reply previously filed on \_\_\_\_.
- ☐ Please consider the Affidavit(s)/Declaration(s) previously filed on \_\_\_\_ but not considered.
- ☐ Please consider the arguments in the Appeal Brief or Reply previously filed on \_\_\_\_.
- ☐ Other \_\_\_\_.

b. Enclosed are:

- ☒ Preliminary Amendment.
- ☐ Affidavit(s)/Declaration(s).
- ☐ Information Disclosure Statement.
- ☐ Form PTO/SB/08 with copies of \_\_\_\_ listed reference(s).
- ☐ Other .

Miscellaneous:

- ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$790.00	= \$790.00
Total Claims:	-	50	= 0	x \$50.00	= \$0.00
Independents	-	4	= 0	x \$200.00	= \$0.00

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First presentation of any Multiple Dependent Claims: + \$360.00 = \$0.00

CLAIMS FEE TOTAL: = \$790.00

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☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	0	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00		\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00		\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00		\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00		\$0.00
EXTENSION FEE SUBTOTAL:			\$0.00
EXTENSION FEE ALREADY PAID: -			\$0.00
EXTENSION FEE TOTAL			\$0.00
CLAIMS AND EXTENSION FEE TOTAL:			\$790.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):			\$395.00
<input type="checkbox"/> Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
TOTAL FEE:			\$395.00

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A credit card payment form in the amount of \$395.00 to cover the filing fee is enclosed.

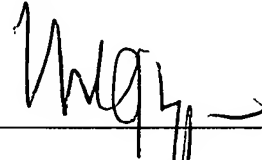
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Date 17 June 2007

FOLEY & LARDNER LLP  
111 Huntington Avenue  
Boston, Massachusetts 02199  
Telephone: (617) 342-4049  
Facsimile: (617) 342-4001

Respectfully submitted,

By 

Mark G. Lappin  
Attorney for Applicant  
Registration No. 26,618